

AN ORDINANCE

AN ORDINANCE TO REGULATE MOTOR SPORTS FACILITIES WITHIN THE UNINCORPORATED AREA OF GREENVILLE COUNTY AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

BE IT ORDAINED by the Greenville County Council:

Section 1. Title. This Ordinance shall be known as the “Greenville County Motor Sports Facilities Ordinance”.

Section 2. Authority. This Ordinance is hereby adopted under the power and authority granted to the counties of the State of South Carolina by virtue of S.C. Code Ann. §§ 4-9-25, 4-9-30 and 6-29-710 *et seq.*, as amended.

Section 3. Jurisdiction. This Ordinance shall apply within the unincorporated area of the County of Greenville.

Section 4. Purpose and Findings. The purpose of this Ordinance is to establish a minimum separation of new motor sports facilities from health care facilities, schools, public libraries, and religious institutions. This Ordinance also seeks to minimize the conflict between motor sports facilities and the surrounding community by establishing minimal specific site, operational and safety standards. The Greenville County Council makes the following findings in support of the following stated purposes:

That motor sports facilities provide a recreational outlet for many persons, including citizens of Greenville County;

That motor sports facilities can produce noise, dust, glare, odor and traffic, which could be detrimental to the health, safety and welfare of the citizens of Greenville County;

That the operation of motor sports facilities may adversely affect the operations and use of schools, public libraries, health care facilities, religious institutions, and other properties located near such motor sports facilities;

That the conflicts arising from motor sports facilities may be minimized by the imposition of reasonable site location, safety and operational standards; and

That it is in the best interest of the citizens of Greenville County that motor sports facilities be regulated so as to minimize the conflicts arising from such facilities.

Section 5. Definitions. The following definitions shall apply throughout this Ordinance:

BUFFER – A portion of property generally situated near or along the property line in which no or limited development may occur, but which may contain fences, walls, berms or vegetative barriers necessary to insulate adjoining land from activities occurring on the property.

EXISTING MOTOR SPORTS FACILITY – Any motor sports facility for which construction or installation was completed prior to the effective date of this Ordinance; and which operated a schedule of racing events within the twelve (12) months immediately preceding the effective date of this Ordinance. For purposes of this Ordinance, a “schedule” means an active calendar of at least six (6) racing events open to the public, to include strictly weekend events and allowing for seasonal breaks.

HEALTH CARE FACILITY – Any residential or inpatient medical facility, whether public or private, including but not limited to the following: general hospitals; chronic disease, maternity, mental, tuberculosis and other specialized hospitals; facilities for intensive care and self-care; nursing homes, including skilled nursing facilities and intermediate care facilities.

MOTOR SPORTS FACILITY – Any facility, track or course upon which racing or timed events are conducted with motor vehicles with at least four wheels and operating engines rated at or above 20 hp (horsepower).

MOTOR VEHICLE – Any vehicle operating with at least four wheels, which is, or is designed to be, self-propelled or is designed or used for transporting persons or property. This definition does not include watercraft, airplanes or aircraft.

NEW MOTOR SPORTS FACILITY – Any motor sports facility for which construction, installation, or operation was commenced after the effective date of this Ordinance.

NHRA – National Hot Rod Association.

PERSON – Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of the State of South Carolina, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

PUBLIC LIBRARY – Any library established by the State of South Carolina, county, municipality, school district or other local unit of government or authority or combination of local units of governments and authorities, or community college or university.

RACING EVENT – Any time, speed or distance competition using motor vehicles, whether or not conducted under the auspices of a recognized sanctioning body. Racing events shall be deemed to include any practice sessions, time trials, qualification rounds or any other similar activity.

RELIGIOUS INSTITUTION – Any church, ecclesiastical or denominational organization or any established physical place for worship at which nonprofit religious services and activities are regularly conducted.

SCHOOL – Any elementary or secondary school, college, technical college, or university, whether public or private.

Section 6. Requirements. The requirements set forth in this Section shall apply to new motor sports facilities located in Greenville County after the effective date of this Ordinance. These requirements do not apply to existing motor sports facilities; however, expansions of existing motor sports facilities shall be subject to these requirements.

(A) Distances.

1. No portion of the property on which a motor sports facility is located shall be situated within two (2) miles of any portion of the property on which any health care facility is existing as of the date of application. No portion of the property on which a motor sports facility is located shall be situated within one mile of any portion of the property on which any existing school, public library, religious institution is located as of the date of application.

2. All outside edges of any racing surface or pit area of a motor sports facility shall be at least one thousand (1,000) feet from any part of the property line of the proposed motor sports facility.

3. A buffer having a minimum width of one hundred (100) feet shall be required along the entirety of the property lines on which a motor sports facility is to be located. No development, including, but not limited to, accessory buildings, parking area or drives, may be located in the buffer, except for permissible entryways and exits.

4. No motor sports facility may locate on property within one thousand (1,000) feet of any designated scenic highway or heritage corridor. Furthermore, no such facility may be constructed within one mile of any municipal, county, state, or federal park.

(B) County Boundaries. For the purposes of this Ordinance all health care facilities, schools, public libraries, and religious institutions shall be considered whether the same are located within, or outside, the County of Greenville or within the boundaries of any municipality within or outside the County of Greenville.

Section 7. Operations. The following operational standard provided in this Section shall apply to all motor sports facilities, both new and existing, which operate in the County of Greenville:

Hours of Operation. Racing events may only be conducted Monday through Saturday during the hours of 8:00 A.M. to 11:30 P.M. Racing events on Sundays may only be conducted during the hours of 2:00 P.M. to 5:00 P.M. A motor sports facility may make an application to the County Code Enforcement Division for a special permit to operate outside these timeframes as provided in this ordinance for special racing events provided the County finds that the one time permit will not unnecessarily disturb neighboring property owners and that such event is an extraordinary racing event attracting significant participants and attendees from outside the Upstate of State of South Carolina. The County Code Enforcement Division may impose special conditions on such special permits.

Section 8. Safety Standards. The safety standards provided in this Section shall apply to all motor sports facilities that operate in the County of Greenville. Existing motor sports facilities shall have twelve (12) months from the effective date of this Ordinance to demonstrate full compliance. In evaluating whether the operational and safety standards have been met, the County of Greenville may consider the type and size of racing events, size of parcel, frequency of racing events and other relevant factors. The motor sports facility shall meet all of the following operational and safety standards:

- (A) Lighting. All outdoor lighting fixtures shall be installed and operated in such a manner as to protect the streets and neighboring properties from direct glare or hazardous interference of any kind.
- (B) Parking. Each motor sport facility shall have a designated on-site parking area adequate to accommodate spectators for the events and prevent off-site parking. Adequacy is intended to prevent unauthorized off-site parking along public rights of way, parking on property of others who do not consent to the parking and parking on-site that allows for ease of flow of egress and ingress. Off-site parking may be used to accommodate spectators provided egress and ingress from off-site property does not create a safety hazard or interfere with the property rights of surrounding property owners. All parking facilities shall have adequate and safe ingress and egress. However, new motor sports facilities shall be subject all applicable County Ordinances governing commercial parking lot development.
- (C) Fire Suppression. Adequate fire suppression resources shall be required for each motor sports facility which shall be reviewed and approved by the Fire District providing fire protection for the site where the facility is located.
- (D) Dust Control. Adequate dust suppression measures shall be required to prevent the encroachment of dust onto adjoining properties. For facilities utilizing a dirt racing surface, suppression should include, but is not limited to, provisions and exercise of the timely application of water to the racing surface.
- (E) Decibels. All motor vehicles participating in a racing event shall be designed to keep vehicle noise in compliance with the NHRA standard of 95 dbA (A-

weighted sound pressure level scale) measured in a stationary test. Vehicle sound must be measured by a properly calibrated decibel meter from a distance of 50 feet, at a right angle to the vehicle, with the vehicle at a no-load revolutions per minute (RPM) of 3,500.

Section 9. Permits for Motor Sports Facilities.

(A) General Provisions. No new motor sports facility, or expansion to an existing facility, can be constructed or operated without first receiving a motor sports facility permit upon proper application. Modifications of existing motor sports facilities to comply with Section 8 above shall not be considered an expansion. Such permits shall only be issued to a new motor sports facility if it can meet the restrictions as specified in Section 6.

(B) Application and Preliminary Review. All applications must be directed to the Greenville County Codes Enforcement Division, through the Greenville County Building Official. The application shall include the following information:

1. Name and address of applicant; and identification of responsible party or local registered agent;
2. Permit fee;
3. Site plan (Architectural or Engineering) shall be dimensioned and to scale (Min. Scale: 1"= 50' - 0"). All structures, including existing, new, future additions, etc. shall be shown. All dimensions from property lines, between buildings, zoning property set-backs, right of ways, parking, existing and proposed buildings, utilities, fire hydrants, fire department connections, fire pits, etc. (all shall be shown on site plans);
4. Landscape plan shall be provided and all requirements shall be in accordance with Section 6:9.12 of Greenville County Ordinance Number 3229, as amended;
5. Vicinity map showing a two-mile radius from the property line of the proposed new motor sports facility and locating any existing health care facilities, and showing within a one-mile radius (from the property line) any existing schools, public libraries, residential dwelling units and religious institutions within such area;
6. Schedule of proposed hours of operation for the new motor sports facility, including hours for racing events and practice sessions;
7. Certification of the applicant stating whether or not there are any existing schools, public libraries, or religious institutions located within a one-mile radius, or health care facilities within a two-mile radius, of the proposed motor sports facility; and

8. Property addresses and the respective owners of all existing schools, public libraries, and religious institutions located within a one-mile radius of the proposed new motor sports facility as shown on the records maintained by the Greenville County Real Property Services Division.

The issuance of a permit shall entitle the applicant to operate the new motor sports facility as contemplated in the application. Such permit will not entitle the applicant to expand, alter or relocate the motor sports facility or its operations except as provided in that Section of this Ordinance entitled, "Expansion, alteration or relocation of facilities".

(C) Cessation of Operations. Any motor sports facility that ceases operations for more than twelve (12) shall be required to apply for a new permit and to fully comply with all requirements applicable to new motor sports facilities as contained in this Ordinance in order to resume operations.

(D) Ownership Change. Any permitted motor sports facility that changes ownership of either the facility, or of an operator's lease, shall be required to update the existing permit to reflect the ownership change.

Section 10. Expansion, alteration or relocation of facilities.

(A) Expansion or Relocation. No motor sports facility shall expand or relocate without first submitting a new application and securing a new permit. Such applicant shall be required to fully comply with all requirements applicable to new motor sports facilities as provided in this Ordinance. Failure to secure a permit for a relocation or expansion shall be deemed to be a violation of this Ordinance.

(B) Racing Surface Alteration. If a proposed alteration to a motor sports facility includes conversion of the racing surface, then an application for a new permit must be submitted and processed and the applicant shall be required to fully comply with all requirements applicable to new motor sports facilities as contained in this Ordinance; otherwise such alteration will be deemed to be a violation of this Ordinance.

(C) Exceptions. The addition of walls, fences and other barriers will not constitute an expansion. Additionally, the replacement of existing seating areas that does not result in the creation of additional capacity will not constitute an expansion.

Section 11. Amendments to Permits. Except as specifically provided in this Section, all applications for amendments to permits must be submitted and processed in accordance with Section 9, as applicable. The application for amendment shall include a copy of the original permit, an adequate description the proposed alteration to the facility or operations, and provide the information set forth in Section 9 (B) 1 – 6.

Section 12. Subsequent Events. Events occurring subsequent to the date of a completed application of any permit, including but not limited to 1) the location of a

residential dwelling unit, school, public library or religious institution within a one-mile radius, or health care facility within a two-mile radius, of a motor sports facility; or 2) residential density changes, shall not operate to invalidate the issuance of the permit.

Section 13. Appeals and Variances.

(A) Any applicant who is denied approval for a new or expanded motor sports facility permit may appeal that decision to the Greenville County Board of Zoning Appeals (“Board of Zoning Appeals”). Applicants may also apply to the Board of Zoning Appeals for a variance from the strict application of the requirements of this Ordinance. Any appeal from a decision of the Building Official shall be to the Board of Zoning Appeals. All appeals must be in writing and filed within thirty (30) days upon receipt of written notice from the Building Official of the decision that is being appealed.

(B) Upon receipt of a completed appeal or variance request, the Secretary to the Board of Zoning Appeals shall place the matter on the Board’s next available regularly scheduled meeting agenda. The Board of Zoning Appeals shall consider requests and appeals received under this Ordinance in accordance with the Board’s By-Laws covering the procedure for consideration of matters before the Board.

(C) In evaluating an appeal or variance request, the Board of Zoning Appeals may consider the type and size of racing events, size of parcel, residential density, frequency of racing events and other relevant factors. In its review, the Board of Zoning Appeals shall apply the following general site standards:

1. A motor sports facility shall not be located or developed in such a manner as to adversely affect the health, safety or welfare of the patrons of schools, public libraries or religious institutions.
2. A motor sports facility shall be located and developed in such a manner as to minimize the noise, glare, dust and odor effects on schools, public libraries or religious institutions.
3. A motor sports facility shall not be located or developed in such a manner as to adversely impact traffic congestion on area roads.

(D) In the event that the Board of Zoning Appeals determines that a proposed motor sports facility is contrary to one or more of the general site standards, then the Board of Zoning Appeals may impose conditions on the issuance of the special permit when such conditions will avoid a violation of the general site standards. The Board of Zoning Appeals must make specific findings of fact and conclusions based on the evidence presented.

Section 14. Appeals to Circuit Court. Any appeal from a decision of the Board of Zoning Appeals shall be to the Court of Common Pleas. All appeals must be in writing

and filed within thirty (30) days upon the receipt of written notice from the Board of Zoning Appeals of the decision that is being appealed.

Section 15. Violations and Penalties. Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of Magistrate’s Court. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed or continued.

Section 16. Revocation and Citation. Greenville County may revoke any permit issued pursuant to this Ordinance or cite a motor sports facility for any violation of this Ordinance; provided, however, that prior to the revocation of a permit or citation, the Greenville County Codes Enforcement Manager, or designee, shall notify the owner/operator of the motor sports facility of the violation that may cause the permit to be revoked or citation to issue. The Greenville County Codes Enforcement Manager, or designee, shall give the owner/operator of the motor sports facility a reasonable time but not less than ten (10) business days to cure the violation. If the owner/operator fails to cure the violation within the time prescribed, the Greenville County Codes Enforcement Manager, or designee, may proceed to revoke the permit or cite the motor sport facility. Any action by the Greenville County Codes Enforcement Manager, or designee, to revoke a permit may be appealed to the Board of Zoning Appeals. Once a permit is revoked in accordance with this Section, any further application shall be considered a new application and all applicable provisions of this Ordinance shall apply.

Section 17. Permit Fees and Expenses. Greenville County Council may set fees for any and all permits granted pursuant to the provisions of this Ordinance, as well as for processing applications for any amendments to any permit granted pursuant to the provisions of this Ordinance. The fee shall cover all reasonable and necessary expenses associated with the processing, issuance or denial of any permit or application for amendment, including but not limited to advertising fees. The fee schedule for review under this ordinance:

Fee for Review of New Application	\$2000.00
Fee for BZA Appeals and Variances	As set by County Zoning Ordinance

Section 18. Initiation of Zoning Text Amendment. There is hereby approved for initiation a text amendment to the Greenville County Zoning Ordinance to include: 1) allowing motor sport facilities in the I-1 District subject to the requirements of this Ordinance; and 2) to amend the Board of Zoning Appeals provisions in the Ordinance to grant the Board authority over other ordinances as determined by County Council.

Section 19. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 20. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 16th DAY OF NOVEMBER, 2004.

Phyllis Henderson, Chairman
Greenville County Council

Joseph M. Kernell
County Administrator

ATTEST:

Theresa B. Kizer
Clerk to Council

First Reading: June 3, 2003

Second Reading: September 2, 2003

Public Hearing: October 5, 2004 and
November 16, 2004

Third Reading: November 16, 2004